HONOURABLE SRI JUSTICE D.APPARAO

On Tuesday, the thirtieth day of May,

two thousand and six .

W.P.No.10080 of 2006

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Siva Ganga Purifide Water, represented by its prop.B.Chinnaiah, and others.

…….Petitioners.

And:

The Superintendent Engineer, Operations,

A.P. Transco, Vidyuth Bhavan, Kadapa.

……..Respondent.

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W.P.No.10080 of 2006

O R D E R:

The petitioners are the small-scale industries and were extended power supply. Through proceedings dated 3.5.2006 of the respondent, the respondent's

authorities disconnected the power supply to the plants of petitioners. The petitioners state that when they approached the respondent's office, the authorities informed that the connections were disconnected by it's orders dated 3.5.2006, basing on the instructions of the District Collector. The petitioners are challenging the same.

2. Heard the learned counsel for the petitioners and learned standing counsel for the respondent.

3. A perusal of the memo dated 3.5.2006 discloses that the respondent directed his subordinate staff to disconnect the power supply to such of those industries, which are not having BIS Certification (ISI mark) for manufacture/sale of packaged drinking water. The petitioners contend that they are not undertaking the activity of manufacture and sale of packaged drinking water. Even assuming, without admitting the said fact, if the power supply of the petitioners is liable to be disconnected for any reason, it is the basic obligation of the respondent to serve a show cause notice and take further steps only after receiving the explanation. Such course was not adopted in this case.

4. The learned counsel for the petitioners submits that earlier, this Court in W.P.No.10410 of 2006 by order dated 25.05.2006 directed the third respondent therein to restore power supply to the petitioners and to serve a show cause notice and take further steps only after receiving the explanation. I do not see any difficulty in adopting the very same procedure.

5. On this short ground, the impugned order is set aside. The respondent is directed to restore the power supply to the petitioners forthwith. It is however made clear that it is open to the respondent to issue show cause notice to the petitioners and take further action in accordance with law.

The writ petition is accordingly disposed of. No costs.

JUSTICE D. APPARAO

30th May 2006

BCS